

25071. Misbranding of Cutler's Blood Pure Powders. U. S. v. 20 Packages of Cutler's Blood Pure Powders. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32609. Sample no. 65763-A.)

Unwarranted curative and therapeutic claims were made for this article.

On April 27, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 packages of Cutler's Blood Pure Powders at Rock Island, Ill., alleging that the article had been shipped in interstate commerce on or about March 8, 1934, by C. F. Cutler & Co., from Montezuma, Iowa, to Rock Island, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Blood Pure Powders * * * For Internal Treatment of: Blood & Skin Diseases of Horses, Mules & Cattle."

Analysis showed that the article consisted essentially of sulphur (69 percent), antimony sulphide, and ground plant material.

The article was alleged to be misbranded in that upon and within the packages there appeared false and fraudulent statements that the article was effective in the treatment of blood and skin diseases of horses, mules, and cattle, of fistula or poll evil, of moon-blindness, distemper, lumpy jaw of cattle, of many common diseases of livestock; and was effective to assist the normal eliminative organs of the body to remove poisons and waste products from the body, and as a general tonic to promote health, tone the blood, increase ambition vitality, and as an appetizer and conditioner for the fattening of animals and for the purpose of building up the animal's vitality and resistance to disease. Misbranding was further charged under an allegation that by reason of the aforesaid false and fraudulent statements the product was so labeled and branded as to deceive and mislead purchasers thereof.

On December 17, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25072. Misbranding of F. W. McNess' ChickO. U. S. v. 32 Dozen Bottles of F. W. McNess' ChickO. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33540. Sample no. 47692-A.)

Examination of the drug product, F. W. McNess' ChickO, involved in this action showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the circular that accompanied the bottles.

On September 28, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 dozen bottles of the said F. W. McNess' ChickO remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped on or about April 4, 1934, by Furst & Thomas, from Freeport, Ill., and had been transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium permanganate (2.6 percent) dissolved in water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular that accompanied the bottles, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Some of these diseases can be prevented, or the infection can be greatly reduced by using McNess' ChickO in the drinking water of chicks and other poultry of all kinds and all ages. * * * Bowel trouble is a very serious condition in young chicks, as well as in poultry of all ages. * * * A helpful way to reduce this danger is * * * through the use of McNess' ChickO in the drinking water that is given the birds. * * * For roup-like conditions of poultry. At the first signs of roup-like conditions of poultry or a cold we would suggest adding two teaspoonfuls of McNess' ChickO to a pint of warm water. Dip the bird's head in this solution once or twice each day. Keep the head in the solution long enough to have it cover the entire surface that may be affected, but use care that the bird is not strangled. * * * Chicken Pox * * * Inflammation of the throat. The symptoms of this are inflamed mouth and throat. The fowl wheezes and

coughs, the mouth often fills with froth. If not checked it may cause death. Use F. W. McNess' ChickO giving it in all drinking water, a teaspoonful to pint of water. * * * First signs of disease. A healthy comb is clean, bright red in color. Any change from this, such as white spots or scurvy, dark red, black, purple color on the comb are sure indications of trouble. Healthy droppings are firm, solid and tipped with white. If droppings are soft, green, light brown or yellowish in color and especially the white tip is absent, look out for trouble. On a first indication of disease give F. W. McNess' ChickO the drinking water."

On November 8, 1935, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. R. GREGG, *Acting Secretary of Agriculture*

25073. Misbranding of Anti Headache Tablets. U. S. v. 336 Packages of Anti Headache Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33646. Sample no. 47699-A.)

Examination of the product involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 10, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 336 packages of Anti Headache Tablets at Oakland, Calif., alleging that the article had been shipped in interstate commerce, on or about August 3, 1933, by Furst Thomas, from Freeport, Ill., to Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Anti Headache Tablets * * * Manufactured for Furst-McNess Co. * * * Freeport, Illinois, U. S. A."

Analysis of a sample of the article showed that it consisted essentially of acetanilid (3.28 grains), caffeine, sodium bicarbonate, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects and those upon its package were false and fraudulent: "These tablets are a boon to those who suffer from violent headaches. * * * Where the headache is caused by indigestion, Sour Stomach * * * LaGrippe, and similar disorders, the tablets will aid in relieving not only the headache, but the disordered condition of the system as well."

On November 8, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture*

25074. Adulteration and misbranding of Lambert's Powders. U. S. v. Lambert's Remedies, Inc. Plea of guilty. Fine, \$10. (F. & D. no. 33647. Sample no. 22075-A.)

This case involved a drug preparation which was adulterated and misbranded because of deficiency in acetanilid; and which was further misbranded because of the therapeutic claims and the representations that it was not habit-forming or injurious, borne on the labels, examination having shown that it contained no ingredients capable of producing the therapeutic effects claimed and that it contained a drug that might be habit forming and injurious.

On September 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lambert's Remedies, Inc., trading at Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 24, 1933, from the State of Minnesota into the State of Wisconsin, of a quantity of Lambert's Powders which were adulterated and misbranded.

The article was labeled in part: "E. L. Stanley, Discoverer Lambert's Powders * * * Lambert's Inc., Laboratories, Minneapolis, Minn."

Analysis showed that the article contained acetanilid (not more than 2.07 grains per powder), acetylsalicylic acid (6.1 grains per powder), and salicylic acid.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each of the powders was represented to contain 2½ grains of acetanilid whereas each of said powders contained less than 2½ grains, namely, not more than 2.07 grains of acetanilid.